

ORDINANCE NO. 20070215-072

AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE TO ADD SECTION 25-2-813 RELATING TO LARGE RETAIL USES; AMENDING SECTION 25-5-144 OF THE CITY CODE RELATING TO PUBLIC HEARING AND NOTICE; AND AMENDING SECTION 25-5-145 OF THE CITY CODE RELATING TO CONDITIONAL USE SITE PLAN EVALUATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 25-2 (*Zoning*) of the City Code is amended to add Section 25-2-813 to read:

§ 25-2-813 LARGE RETAIL USES.

(A) In this section, LARGE RETAIL USE means one of the following principal uses, including its accessory uses, with 100,000 square feet or more of gross floor area:

- (1) agricultural sales and services use;
- (2) art gallery use;
- (3) art workshop use;
- (4) automotive repair services use;
- (5) automotive sales use;
- (6) construction sales and services use;
- (7) equipment sales use;
- (8) food sales use;
- (9) general retail services (convenience) use;
- (10) general retail sales (general) use;
- (11) liquor sales use;
- (12) monument retail sales use;
- (13) pawn shop services use;
- (14) personal improvement services;

- (15) pet services use;
- (16) plant nursery use;
- (17) recreational equipment sales use;
- (18) restaurant (general) use;
- (19) restaurant (limited) use;
- (20) service station use;
- (21) special use historic use; or
- (22) veterinary services use.

(B) A large retail use is a conditional use.

PART 2. Section 25-5-144 (*Public Hearing And Notice*) of the City Code is amended to add a new Subsection (C) to read as follows and reletter the remaining subsections accordingly:

- (C) This subsection applies to an application for approval of a large retail use described in Section 25-2-813 (*Large Retail Uses*).
 - (1) In addition to the notice required by Subsection (B), the director shall give notice to all:
 - (a) registered neighborhood associations with boundaries located within one mile of the site; and
 - (b) utility service addresses located within 500 feet of the site, as shown in the City utility records as of the date of the filing of the application.
 - (2) The applicant shall post a sign on the site in a location that is within 25 feet of and visible from the public right-of-way. The sign must be at least four feet by eight feet in size with lettering at least four inches high. The sign must include the following information:
 - (a) a statement that an application for approval of a conditional use site plan has been filed;
 - (b) the city file number;
 - (c) the name, address, and telephone number of the applicant or agent; and

- (d) a description of the proposed development, including the size and use of the building.

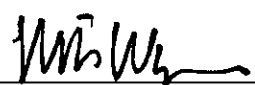
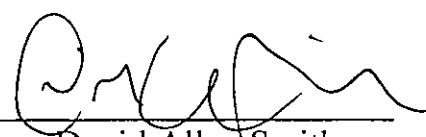
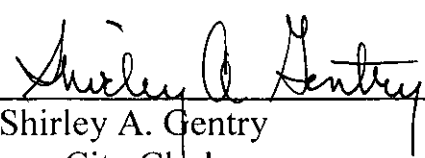
PART 3. Section 25-5-145(C) (*Evaluation Of Conditional Use Site Plan*) of the City Code is amended to read:

(C) A conditional use site plan may not:

- (1) more adversely affect an adjoining site than would a permitted use;
- (2) adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; ~~[or]~~
- (3) adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign; or
- (4) for a large retail use described in Section 25-2-813 (*Large Retail Uses*), adversely affect the future redevelopment of the site.

PART 4. This ordinance takes effect on February 26, 2007.

PASSED AND APPROVED

February 15	§ § §	 Will Wynn Mayor
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APPROVED:  David Allan Smith City Attorney	ATTEST:  Shirley A. Gentry City Clerk	